

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PHARMASTEM THERAPEUTICS, INC.,
a Delaware corporation,

Plaintiff,

v.

VIACELL, INC., a Delaware corporation,
OBSTETRICAL AND
GYNECOLOGICAL ASSOCIATES, P.A.,
and FEMPARTNERS, INC., a Delaware
corporation,

Defendants.

Civil Action No.: 04-CV-11673-RWZ

DECLARATION OF EDWARD W. LITTLE, JR.

I, Edward W. Little, Jr., being duly sworn, do hereby depose and declare and follows:

1. I am an attorney with the firm of Gadsby Hannah LLP, counsel for PharmaStem Therapeutics, Inc. ("PharmaStem") in the above-captioned case.

2. I submit this declaration in support of PharmaStem's Motion for a Preliminary Injunction Against ViaCell, Inc.'s Infringement of the Patents-In-Suit.

3. Attached hereto as Exhibit 1 is a true and correct copy of United States Patent No. 6,461,645 B1.

4. Attached hereto as Exhibit 2 is a true and correct copy of United States Patent No. 6,569,427 B1.

5. Attached hereto as Exhibit 3 is a true and correct copy of a transcript of "Life Blood," a BBC documentary originally aired on BBC Two at 9:00 PM, October 11, 2001, available at <http://www.bbc.co.uk/science/horizon/2001/lifebloodtrans.shtml>.

6. Attached hereto as Exhibit 4 is a true and correct copy of a document produced by ViaCell, Inc. and used as a Trial Exhibit in *PharmaStem v. ViaCell, et al.*, Civil Action No. 02-148-GMS (D.Del.), filed February 22, 2002.

7. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the Trial Transcript in *PharmaStem v. ViaCell, et al.*, Civil Action No. 02-148-GMS (D.Del.), filed February 22, 2002.

8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *available at* <http://www.viacellinc.com/index.asp?p=viacellNews&id=1>.

9. Attached hereto as Exhibit 7 is a true and correct copy of the Joint Final Jury Instructions submitted to the jury in *PharmaStem v. ViaCell, et al.*, Civil Action No. 02-148-GMS (D.Del.), filed February 22, 2002.

10. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

11. Attached hereto as Exhibit 9 is a true and correct copy of an enrollment packet from ViaCell, Inc., *available at* <https://www.viacord.com/documents/enrollmentforms.pdf>.

12. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

13. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

15. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

16. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

17. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

18. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

19. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

20. Attached hereto as Exhibit 18 is a true and correct copy of David T. Harris, *Cord Blood Transplantation: A Promising Alternative to Bone Marrow Transplantation*, Clinical Research New for Arizona Physicians, *available at* <http://www.ahsc.arizona.edu/opa/crnep/dec95cnp.htm> (last visited Oct. 1, 2004).

21. Attached hereto as Exhibit 19 is a true and correct copy of Mary J. Laughlin et al., *Hematopoietic Engraftment And Survival In Adult Recipients Of Umbilical-Cord Blood From Unrelated Donors*, 344 N. Engl. J. Med. 1815 (2001).

22. Attached hereto as Exhibit 20 is a true and correct copy of *Umbilical Cord Stem Cell Transplants Should Not Be Limited By Age – Cmte.*, The Blue Sheet (Food and Drug Administration), Mar. 5, 2003.

23. Attached hereto as Exhibit 21 is a true and correct copy of Guillermo F. Sanz et al., *Standardized, Unrelated Donor Cord Blood Transplantation in Adults with Hematologic Malignancies*, 98 Blood 2332 (2001).

24. Attached hereto as Exhibit 22 is a true and correct copy of Eliane Gluckman, *Current Status of Umbilical Cord Blood Hematopoietic Stem Cell Transplantation*, 28 Experimental Hematology 1197 (2000).

25. Attached hereto as Exhibit 23 is a true and correct copy of Tohru Iseki et al., Abstract, *Unrelated Cord Blood Transplantation in Adult Patients with Hematological Malignancy: A Single Institution Experience*, 98 Blood 665a (suppl. 1)(2001).

26. Attached hereto as Exhibit 24 is a true and correct copy of Jun Ooi et al., *Unrelated Cord Blood Transplantation for Adults Patients with Advanced Myelodysplastic Syndrome*, 101 Blood 4711 (2003).

27. Attached hereto as Exhibit 25 is a true and correct copy of Jun Ooi et al., *Unrelated Cord Blood Transplantation for Adults Patients with De Novo Acute Myeloid Leukemia*, 103 Blood 489 (2004).

28. Attached hereto as Exhibit 26 is a true and correct copy of Gwynn D. Long et al., *Unrelated Cord Blood Transplantation in Adults Patients*, 9 *Biology of Blood and Marrow Transplantation* 772 (2003).

29. Attached hereto as Exhibit 27 is a true and correct copy of Liang-Piu Koh & Nelson J. Chao, *Umbilical Cord Blood Transplantation in Adults Using Myeloablative and Nonmyeloablative Preparative Regimens*, 10 *Biology of Blood and Marrow Transplantation* 1 (2004).

30. Attached hereto as Exhibit 28 is a true and correct copy of Federico Moscardó et al., *Unrelated-Donor Cord Blood Transplantation for Adult Hematological Malignancies*, 45 *Leukemia & Lymphoma* 11 (2004).

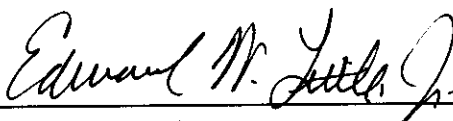
31. Attached hereto as Exhibit 29 is a true and correct copy of Juliet N. Barker et al., *Rapid and Complete Donor Chimerism in Adult Recipients of Unrelated Donor Umbilical Cord Blood Transplantation After Reduced-Intensity Conditioning*, 102 *Blood* 1915 (2003).

32. Attached hereto as Exhibit 30 is a true and correct copy of a document produced by ViaCell, Inc. and used as a Trial Exhibit in *PharmaStem v. ViaCell, et al.*, Civil Action No. 02-148-GMS (D.Del.), filed February 22, 2002.

33. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from ViaCell, Inc.'s Internet website, *generally available at* <http://www.viacord.com>.

34. Attached hereto as Exhibit 32 is a true and correct copy of excerpts from PharmaStem Therapeutics, Inc.'s website, *available at* <http://www.pharmastem.com/licensing-program.htm>.

SIGNED BY ME UNDER PAINS AND PENALTIES OF PERJURY THIS
TENTH DAY OF JANUARY, 2005.

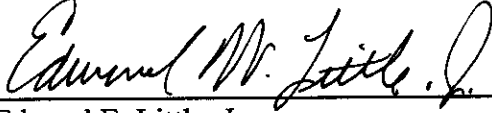

Edward W. Little, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January 2005, I have caused a true and accurate copy of the foregoing to be served upon counsel of record as follows:

By hand delivery to:

Elaine Hermann Blais
John C. Englande
Paul F. Ware
Goodwin Proctor LLP
Exchange Place
Boston, MA 02109



Edward E. Little, Jr.